

**AN ORDINANCE BY  
COUNCIL MEMBER DERRICK BOAZMAN  
AS SUBSTITUTED AND AMENDED BY  
COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE GRANTING THE MAXIMUM RECOMPENSE OF \$5,000 PER ACRE TO THE DEVELOPERS OF THE BROOKSIDE PARK APARTMENTS, LOCATED AT 1780 METROPOLITAN PARKWAY, LAND LOT 90, DISTRICT 14, ATLANTA, GEORGIA, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Atlanta Code of Ordinances ("Code"), section 158-103, requires developers to pay recompense into the City of Atlanta ("City") Tree Trust Fund to compensate the City for trees removed or destroyed as a result of the development; and

**WHEREAS**, section 159-103(2) of the Code sets forth a method of calculating the recompense owed by developers; and

**WHEREAS**, section 159-103 (3) creates an incentive for developers to save trees by capping the amount of recompense to be paid by a developer if the developer retains a certain percentage of trees on the development site; and

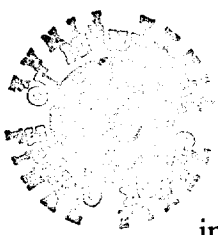
**WHEREAS**, the recompense cap is referred to in the Code as the "maximum recompense"; and

**WHEREAS**, section 159-103 (3)(d) makes it easier for developers of for-sale affordable housing to qualify for a recompense cap. Specifically, the Code states that "for sales housing units which have a pro-forma sales price equal to or less than 1.5 times median family income as defined by the United States Department of Housing and Urban Development, the percent of minimum trees retained may be reduced to 50% of the above percentage values in order to qualify for maximum recompense per acre."; and

**WHEREAS**, section 159-103 of the Code does address for-rent affordable housing and does not make it easier for developers of for-rent affordable housing to qualify for a cap on the recompense to be paid; and

**WHEREAS**, Brookside Park Apartments will be a multifamily rental development of 200 units on the site of the existing Atlanta Trailer City Trailer Park, located at 1780 Metropolitan Parkway, Land Lot 90, District 14, Atlanta, Georgia ("the Project"). The Project developer is Brookside Park Limited Partnership; and

**WHEREAS**, the Project is financed in part by Tax Exempt Housing Bonds issued through the Urban Residential Finance Authority of the City of Atlanta (URFA) and through the sale of Low Income Housing Tax Credits. The Project will contain approximately 75% or 148-units set aside for households whose annual incomes do not exceed 60% of the median family



income for the Atlanta Metropolitan Statistical Area (MSA), as published each year by the United States Department of Housing and Urban Development; and

**WHEREAS**, the Project exceeds the Affordability Provisions as defined in the City of Atlanta Urban Enterprise Program (pg. 19, Section C of the January 2003 copy), which requires that the project comply with section 146-52(2)a of the Atlanta City Code, which defines affordable housing as having at least 20% of the total number of residential units constructed be within the ability to pay of those households whose annual incomes do not exceed 60% of the median family income for the Atlanta MSA; and

**WHEREAS**, the Project is zoned as R-G3; and

**WHEREAS**, section 158-103(3)(b) of the Code requires that developments zoned as R-G3 retain 30% of the trees on the development site in order to qualify for a cap on the recompense owed. Specifically, developments that retain 30% of the trees have a maximum recompense of \$5,000 per acre; and

**WHEREAS**, initially, the Project's site plan retained over 30% of the site's trees and qualified for the maximum recompense fee of \$5,000 per acre, thereby causing the recompense owed to be approximately \$18,000-\$20,000; and

**WHEREAS**, now that development of the Project has begun, the developers have found that the northeast portion of the site contains "unsuitable soils", namely non-compactable fill and non-hazardous debris, thereby requiring over excavation and mass grading; and

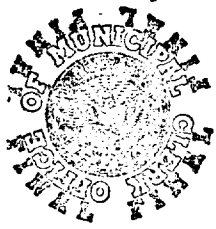
**WHEREAS**, not only does over excavation add significant cost in the form of hauling costs, grading costs and specialty foundations, it results in the overall lowering of the site and mass grading; and

**WHEREAS**, as a result of the unsuitable soils, the Project's revised site plan can retain only 21% of its trees. This prevents the Project from qualifying for the maximum recompense of 5,000 per acre, and would result in a recompense fee in the amount of \$42,415; and

**WHEREAS**, if the Project were producing for-sale units, the Project would need to retain only 15% of the site's trees in order to qualify for the recompense cap, and therefore the Project would easily qualify for the cap; and

**WHEREAS**, because of the additional costs caused by the unsuitable soils and because of the decreased projected revenue caused by the housing being affordable housing, the developer cannot afford to pay \$42,415 in recompense; and

**WHEREAS**, the Project is providing needed quality affordable housing and should not be penalized because the housing is rental rather than for sale housing.



**WHEREAS, the omission of an adjustment for rental affordable housing is an oversight in the Atlanta Code of Ordinances, and the Atlanta City Council is acting to correct the oversight contemporaneously with the passage of this ordinance.**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,** that the City waive the provisions of Code section 158-103 (3) for the limited purpose of determining the Project's eligibility for receiving the maximum recompense, and that the City grant the maximum recompense of \$5,000 per impacted acre to Brookside Park Limited Partnership for the development of the Brookside Park Apartments, located at 1780 Metropolitan Parkway, Land Lot 90, District 14, Atlanta, Georgia, if the developer retains at least 15% of the site's trees.

**Be it further ordained** that all ordinances and resolutions in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of said conflict.

A true copy,

*Phonda Dauphin Johnson*  
Municipal Clerk, CMC

ADOPTED as amended by the Council  
APPROVED by the Mayor

OCT 06, 2003  
OCT 14, 2003

RCS# 5041  
10/06/03  
2:05 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-14

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Boazman	NV Woolard

CONSENT I

		10-06-03 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1475	37. 03-R-1521	71. 03-R-1555
2. 03-O-1471	38. 03-R-1522	72. 03-R-1556
3. 03-O-1438	39. 03-R-1523	73. 03-R-1557
4. 03-O-1442	40. 03-R-1524	74. 03-R-1558
5. 03-O-1452	41. 03-R-1525	75. 03-R-1559
6. 03-O-1380	42. 03-R-1526	76. 03-R-1560
7. 03-O-1478	43. 03-R-1527	77. 03-R-1561
8. 03-O-1479	44. 03-R-1528	78. 03-R-1562
9. 03-O-0953	45. 03-R-1529	79. 03-R-1563
10. 03-O-1455	46. 03-R-1530	80. 03-R-1564
11. 03-O-1476	47. 03-R-1531	81. 03-R-1565
12. 03-O-1481	48. 03-R-1532	82. 03-R-1566
13. 03-R-1498	49. 03-R-1533	83. 03-R-1567
14. 03-R-1499	50. 03-R-1534	84. 03-R-1568
15. 03-R-1582	51. 03-R-1535	85. 03-R-1569
16. 03-R-1583	52. 03-R-1536	86. 03-R-1570
17. 03-R-1502	53. 03-R-1537	87. 03-R-1571
18. 03-R-1503	54. 03-R-1538	88. 03-R-1572
19. 03-R-1505	55. 03-R-1539	89. 03-R-1573
20. 03-R-1506	56. 03-R-1540	90. 03-R-1574
21. 03-R-1507	57. 03-R-1541	91. 03-R-1575
22. 03-R-1488	58. 03-R-1542	92. 03-R-1576
23. 03-R-1489	59. 03-R-1543	93. 03-R-1577
24. 03-R-1490	60. 03-R-1544	94. 03-R-1578
25. 03-R-1491	61. 03-R-1545	
26. 03-R-1492	62. 03-R-1546	
27. 03-R-1495	63. 03-R-1547	
28. 03-R-1513	64. 03-R-1548	
29. 03-R-1514	65. 03-R-1549	
30. 03-R-1515	66. 03-R-1550	
31. 03-R-1516	67. 03-R-1551	
32. 03-R-1517	68. 03-R-1552	
33. 03-R-1518	69. 03-R-1553	
34. 03-R-1519	70. 03-R-1554	
35. 03-R-1520		
36. 03-R-1579		

Consent I Vote: 13 Yeas; 0Nays: (See RCS #5041)

03-0-1471

(Do Not Write Above This Line)

An Ordinance  
By Councilmember Derrick  
Boazman

An Ordinance by Councilmember  
Derrick Boazman granting the  
maximum recompense of \$5,000 per  
acre to the Developers of the  
Brookside Park Apartments, located  
at 1780 Metropolitan Parkway, Land  
Lot 90, District 14, Atlanta, Georgia;  
and for other purposes.

ADOPTED BY

OCT 06 2003

COUNCIL

*Handwritten: 1st amended*

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred *9/15/03*

Referred To: *C.D. H.R.*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

Fav, Adv, Hold (see rev. side)

Other

CERTIFIED

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

OCT 06 2003

ATLANTA CITY COUNCIL PRESIDENT

*Handwritten: Catherine M. Woodward*

CERTIFIED

OCT 06 2003

*Handwritten: Rickie Blumstein*  
MUNICIPAL CLERK

MAYOR'S ACTION

*Handwritten: Shirley Franklin*  
MAYOR